

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**United States of America,**

**v.**

**Scott R. BURNETT**

Case No. 5:22MJ1093-AMK

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANT**

I, Jason M. Guyton, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), currently assigned to HSI Cleveland, Ohio. I have been so employed since March 2009. As part of my daily duties as an HSI Special Agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have written numerous affidavits in support of arrest and search warrants related to investigations of child pornography, online enticement, and other child exploitation crimes.

2. I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to

conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is being submitted for the limited purpose of establishing probable cause that **Scott R. BURNETT**, age 52, currently residing at XXXX Charles Court, Twinsburg, OH 44087 violated Title 18, United States Code, Section 2252(a)(1), Transportation of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, and 18 U.S.C. § 2251(a)(1), Sexual Exploitation of Children.

4. The statements contained in this affidavit are based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. This affidavit includes only those facts that I believe are necessary to establish probable cause and does not include all the facts uncovered during the investigation.

#### **RELEVANT STATUTES**

5. 18 U.S.C. § 2251(a)(1), which prohibits a person from using, persuading, inducing, enticing, or coercing a minor to engage in sexually explicit conduct for the purposes of producing visual depictions of such conduct and such depictions are produced using materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce (i.e. camera manufactured outside the state) or depiction was transported in or affecting interstate or foreign commerce.

6. 18 U.S.C. § 2252(a)(1) prohibits any person from knowingly transporting or shipping, or attempting or conspiring to transport or ship, any visual depiction using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, by

any means, including by computer or mail, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

**BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE**

7. In April 2022, your Affiant was assigned to investigate information received from NCMEC by the Ohio Internet Crimes Against Children (ICAC) Task Force. That information included seven (7) CyberTipline Reports involving phone number (330) 998-0076 (the “Subject Account”) uploading over 2,900 files of suspected child exploitation material to the Subject Account on the Synchronoss Technologies infrastructure between February 14 and March 31, 2022. Synchronoss Technologies identifies and reports child sexual abuse imagery to NCMEC in their normal course of business. Specifically, your Affiant learned the following:

CyberTipline Report 117838536

8. Synchronoss reported that on February 14, 2022, approximately 140 files of suspected child exploitation material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure. Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: 5e959a87d7.zip.jpg<sup>1</sup>

The image depicts a close-up of a newborn female’s genitals. An adult male’s fingers are visible, and he is pulling the infant’s genitals apart exposing the inside to the camera.

CyberTipline Report 117990826

9. On February 17, 2022, approximately 737 files of suspected child exploitation

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<sup>1</sup> Your Affiant believes that the file naming convention in each of the CyberTipline Reports described in this affidavit was created by Synchronoss Technologies and may not be the actual file name of the uploaded image.

material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure.

Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: 5e959a87d7.zip.jpg

The image depicts a female toddler naked from the waist down with her legs spread exposing her genitals and anus to the camera. The child has what appears to be a pink sex toy inserted into her vagina. The toddler also has a white pacifier in her mouth.

CyberTipline Report 118786229

10. On February 28, 2022, approximately 134 files of suspected child exploitation material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure. Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: 7864a31962.zip.jpg

The image depicts a naked prepubescent male approximately 5 – 7 years old lying on his back with his legs spread and his penis exposed. An adult male is holding the child's feet with one hand while inserting his erect penis into the child's anus. A tube of lubricant can be observed next to the child's leg.

CyberTipline Report 119562898

11. On March 13, 2022, approximately 1,034 files of suspected child exploitation material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure. Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: 211640c6e6.jpg

The image depicts a toddler female naked from the waist down on her knees and elbows looking back at the camera with her thumb in her mouth. An adult male is kneeling over the top of the toddler with his erect penis inserted into her anus.

CyberTipline Report 121009060

12. On March 25, 2022, approximately 290 files of suspected child exploitation material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure. Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: a764147c9b.gif

The file depicts a naked prepubescent female lying on her back with her legs spread. The child has a cloth covering her eyes and her legs and wrists are secured with yellow ropes. A yellow dog can be observed licking the child's exposed genitals.

CyberTipline Report 121262620

13. On March 29, 2022, approximately 394 files of suspected child exploitation material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure. Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: e20dfc4633.gif

The file depicts a naked adult male on a bed wearing a clown mask violently plunging a sex toy into the vagina of a naked prepubescent female who is lying on her back with her legs in the air.

CyberTipline Report 121368137

14. On March 31, 2022, approximately 220 files of suspected child exploitation material were uploaded to the Subject Account on the Synchronoss Technologies infrastructure. Your Affiant downloaded and reviewed these files, many of which meet the federal definition of child pornography. A description of one of these files is as follows:

File Name: 4602d4ef02.gif

The file depicts a close-up of an adult male with his hand on the back of a prepubescent female's head. The adult male is masturbating his erect penis and he ejaculates into the open mouth and onto the face of the child while he forces his penis into her mouth.

15. Before the investigation was assigned to your Affiant, the Ohio ICAC Task Force

served a subpoena on Verizon Wireless for records related to phone number (330) 998-0076.

Verizon's records revealed the following subscriber information:

Name: Lisa Burnett  
Address: XXX Charles Court, Twinsburg, OH 44087  
Account Date: November 19, 2019

16. Utilizing the Ohio Law Enforcement Gateway (OHLEG) database, your Affiant identified Lisa M. Burnett (date of birth xx/xx/73) with an Ohio driver's license listing an address of XXXX Charles Court, Twinsburg, OH 44087. Utilizing law enforcement and proprietary databases, your Affiant learned that (330) 998-0076 is associated with Lisa Burnett and **Scott R. Burnett** located at XXXX Charles Court, Twinsburg, OH 44087.

17. On April 28, 2022, Synchronoss provided your Affiant with the contents of the Subject Account pursuant to a search warrant obtained from United States Magistrate Judge Amanda M. Knapp on April 27, 2022, in 5:22MJ1087-AMK. Your Affiant conducted a review of the Subject Account and observed hundreds of image and video files of suspected child exploitation material to include many of the files provided by Synchronoss as part of their CT Reports as described above. These files were contained in a file folder titled "My Google Pixel 4 XL".

18. In addition to the files of child exploitation material, your Affiant observed hundreds of "selfie-style" images of an adult male who matches the expired Ohio driver's license image of **Scott R. BURNETT**. Many of these "selfie-style" images contained property data showing they were taken with a Google Pixel 4 XL camera. Your Affiant observed an image file titled "PXL\_20210315\_150437226.jpg" that depicted a picture of a Covid-19 Vacation Record Card for "Burnett, Scott."

19. Lastly, your Affiant observed twenty-one (21) image files that contained property data showing they were taken with a Google Pixel 4 XL camera on 04/16/2021 between 1:41 PM and 1:51 PM. These images contain GPS coordinates which match closely to many of those “selfie style” images your Affiant reviewed of **Scott BURNETT**. This GPS data shows they were taken in or near the Subject Premises. These images depict a naked prepubescent female child (approximately 5 years old) sitting in a rolling desk chair with a pink blanket. The child’s face is visible in some of the pictures, and she has a lollipop in her mouth. A description of two (2) of these files is as follows:

File Name: PXL\_20210416\_175038782

This file depicts only the side of the child’s hair without her face being visible. She is sitting upright in the chair and the blanket is at her feet. One leg is hanging off the chair and the other is tucked in towards her body. The camera is positioned above her and is aiming down her body. The child’s genitals are visible and are the focal point of the image.

File Name: PXL\_20210416\_175122061

This file depicts a close-up of the child’s genitals. Her face is not visible, but you can see her hand holding the lollipop. Her legs are hanging off the edge of the rolling chair and the pink blanket is pulled down just far enough to expose her genitals, thighs, and stomach.

The couch, flooring, and background visible in these images match other images of the Burnett family found in the Subject Account. Further, the Subject Account contains additional images of the child described above fully clothed.

**SEARCH OF XXXX Charles Court, Twinsburg, OH 44087**

21. On May 5, 2022, search warrants authorized by United States Magistrate Judge Amanda M. Knapp, were executed at **BURNETT’S** residence in Twinsburg, Ohio. The warrants were executed without incident and items to include a cellphone, laptop computers, and electronic storage media devices were seized. **BURNETT** was present and voluntarily agreed to be

interviewed in relation to this investigation.

22. **BURNETT** stated that agents would find image and video files of child pornography on his Google Pixel cellphone. The cellphone was next to his bed when agents entered his bedroom, and the phone was not password protected. **BURNETT** stated that his cellphone was the only electronic device he used to search for and view child pornography. **BURNETT** stated that he started viewing child pornography approximately two (2) years ago and last viewed it one (1) month ago.

23. **BURNETT** was shown one of the images as described in paragraph 19 and he identified the minor (withheld to protect the identity of the victim). **BURNETT** admitted to taking the images when she was at his home sitting in his chair. **BURNETT** stated it was stupid for him to have taken the images.

24. An onsite forensic preview of **BURNETT'S** Google Pixel cellphone showed that it contained hundreds of files of suspected child exploitation material. Your Affiant observed the images of Minor Victim #1 as described in paragraph 19 above. The images of child exploitation material were found in the DCIM (camera roll) and Downloads folders on the phone. One of the files can be more fully described as:

File Name: t.mp.4 (downloads file)

This 12 second video file depicts a fully clothed prepubescent female standing in front of the camera with a naked adult male standing in front of her. The adult male is grabbing the child by the back of her head and engaging in oral to genital sexual intercourse on her. The child has saliva coming out of her mouth and appears to throw-up at the conclusion of the video.



**CONCLUSION**

25. Based on the foregoing, there is probable cause to believe that **Scott R. BURNETT** violated Title 18, United States Code, Section 2252(a)(1), Transportation of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, and 18 U.S.C. § 2251(a)(1), Sexual Exploitation of Children.



Special Agent Jason M. Guyton  
Homeland Security Investigations

Sworn to via telephone after submission by reliable electronic means [Fed. R. Crim. P. 4.1]  
on this 5<sup>th</sup> day of May 2022.



Amanda M. Knapp  
United States Magistrate Judge